



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1990/89
5 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 2 March 1990 from the Permanent Representative of Turkey
to the United Nations Office at Geneva addressed to the Chairman of
the Commission on Human Rights

1. I have the honour to enclose herewith a message addressed to you on behalf of one of the two main parties to the Cyprus dispute, i.e., the Turkish Cypriot Community, by H.E. Mr. Kenan Atakol, Minister of Foreign Affairs and Defence.
2. As will be recalled, a statement was made in the Commission on Human Rights, on 1 February 1990, on the question of Cyprus, unfortunately in the absence of the Turkish Cypriot Community, one of the two main parties to the conflict. Under these circumstances the Turkish Cypriot Community has been left with no alternative but to submit its views in writing, so that its views could at least appear on the records.
3. It will be appreciated if the present letter and the attachment thereto would be issued, in line with practice as before, as a document of the Commission on Human Rights under agenda item 12.

(Signed): Cem Duna
Ambassador

ANNEX

1. Further to my letter of 21 February 1990 and with reference to the statement of Mr. Iacovou, the Minister of Foreign Affairs of the Greek Cypriot Administration of Southern Cyprus, before the United Nations Commission of Human Rights on 1 February 1990, I deem it fit to send this letter to you in order to deal with some of the distortions and misrepresentations abounding the said statement.

2. I would like, at the outset, to impress upon all concerned that Mr. Iacovou, despite all the pretensions, in fact, spoke before the Commission not as the Minister of Foreign Affairs of the "Republic of Cyprus" but as the Spokesman of the Greek Cypriot Administration of Southern Cyprus, to which the Turkish people of Cyprus owe no allegiance whatsoever. He did not speak for Cyprus as a whole and did not, as a matter of fact and legality, represent the Turkish people of Cyprus who are represented solely by the Government of the Turkish Republic of Northern Cyprus.

3. Taking advantage, as his Administration always does, of the absence of the Turkish Cypriot Representatives from such fora, Mr. Iacovou proceeded to be highly economical with the truth. His memory may have weaknesses but archives never lie.

4. "Invasion of the island of Cyprus by Greece", as the late Archbishop Makarios called it, in his statement before the Security Council of 19 July 1974, had occurred on 15 July 1974 in contravention of the Treaty of Guarantee of 1960. Through the Treaty of Guarantee the three Guarantor powers had undertaken to protect the independence of Cyprus.

5. Greece, however, by its armed actions on 15 July 1974 did exactly the opposite of its undertaking and attempted to destroy the bi-communal independence of Cyprus in favour of Enosis (union of Cyprus with Greece). Turkey, in fact, did nothing more than preventing this brutal illegality by its intervention on 20 July 1974.

6. The Turkish people of Cyprus, without exception, are and forever will be, grateful to Turkey for being true to her rights and obligation under the Treaty of Guarantee which saved them from imminent annihilation.

7. Those are the determining facts and sentiments that Mr. Iacovou and his administration have to reckon with, though they may not like them.

8. As for the preposterous allegation of "occupation", it will, I think, suffice to state and an action with so many positive results in its wake cannot possibly and sensibly be called "occupation". The Turkish intervention of 20 July 1974 put a stop to Greece's invasion of Cyprus and pushed it back to the present dividing line; deposed the Fascist régime of Nicos Sampson installed by the then Greek junta in Athens; prevented the annexation of Cyprus to Greece; saved the Turkish Cypriot people from the brink of total destruction; brought an end to the internecine war between Greeks; helped Greece's return to democracy; preserved and consolidated the partnership rights of the Turkish Cypriots in the sovereignty and independence of Cyprus and provided Cyprus with the longest peaceful period in its recent history.

9. Mr. Iacovou is free to continue indulging in fake scenarios, as he has done in his said statement, but he will hardly be able to convince the Turkish people of Cyprus that a legal action with such an excellent track-record can, or should be, vilified and/or derogated from.

10. Turkish Peace Force are at present in Cyprus within the territory of the Turkish Republic of Northern Cyprus governed by the Turkish Cypriots. They will continue to stay as the guarantor of the peace that is prevailing in the island, as long as the Turkish Cypriots will want them to stay and until a negotiated settlement is found through direct negotiations between the two sides in Cyprus. Mr. Iacovou's clamour about "invasion and occupation" can only reflect his racist longing for recreating the conditions of 1963-1974, a torturous period devoid of human rights for the Turkish Cypriots.

11. Our responses to his false allegations regarding "human rights" are contained in my letter of 21 February 1990, which I had addressed to Your Excellency in response to the statement of Mr. Markides, the Greek Cypriot representative at the Commission. I need not, therefore, repeat them here.

(Signed): Kenan Atakol



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1990/90
8 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 12

QUESTION OF THE VIOLATION OF THE HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE
TO COLONIAL AND DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 6 March 1990 from the Permanent Representative
of Kenya to the United Nations Office at Geneva addressed
to the Under-Secretary-General for Human Rights

Further to the right of reply made to the Commission on 26 February 1990, the Government of Kenya would like to refute other allegations made by the International Organization for the Elimination of All Forms of Racial Discrimination. The organization made reference to the deportation of hundreds of Kenyan citizens of Somali origin, deprivation of their passports and "witch hunting". The Government of Kenya states the following:

1. In November 1989, the Kenya Government began a screening process of all Kenyan citizens of Somali origin at the request of political, religious and civil leaders of Kenyan Somali ethnic origin. This request came amid widespread incidences of banditry, thuggery, illegal entry, murder of tourists in game parks and forged Kenyan identity documents. These acts were nearly all committed by aliens from neighbouring countries. Given this situation, there has been suspicion and outrage against Kenyan people of Somali ethnic origin. The neighbouring governments are fully briefed and aware of these incidences and these governments have themselves expressed concern at the adverse publicity such acts have generated against the governments and people of the region.

2. The Task Force to identify and reregister Kenyan Somalis was headed by a very senior Kenyan citizen of Somali ethnic origin and Provincial Commissioner, Rift Valley Province. The exercise of weeding out illegal aliens and criminal elements who use physical similarities to Somali people as cover, has further strengthened Kenya-Somali relations which the Kenya Government has worked hard over the years to strengthen and maintain.

3. Finally the exercise is not one of screening but one of registration to protect legitimate Kenyan citizens of Somali ethnic origin and has been carried out with no malicious intention.

The Kenya Mission would be grateful if this letter could be distributed as a document of the Commission on Human Rights at its forty-sixth session.

(Signed): Thomas A. Ogada
Ambassador,
Permanent Representative

- - - - -



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1990/91
9 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 11 and 11 (a)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF
WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE
UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Note by the Chairman of the working group

Chairman: Mrs. Kongit Sinegiorgis
(Ethiopia)

1. It will be recalled that at its forty-sixth session, the Commission had before it General Assembly resolution 44/167 of 15 December 1989 entitled "Enlargement of the Commission and the further promotion of human rights and fundamental freedoms". In the context of the organization of its work, the Commission referred the request of the Assembly in operative paragraph 3 of the resolution to an informal open-ended working group.

2. Subsequent to consultations within the Bureau and between the Bureau and the co-ordinators of the various regional groups, it was agreed that the informal open-ended working group of the Commission would hold a maximum of three meetings to hear views and to then convert into a drafting group composed of up to five representatives from each regional group.

3. The organizational meeting of the informal open-ended working group took place on 14 February 1990. The informal open-ended working group held its meetings on 19, 21 and 26 February 1990. The drafting group held its first meeting on 28 February 1990. It was composed of the following delegations: Algeria, Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Egypt, Ghana, Hungary, India, Iraq, Ireland, Madagascar, Netherlands, Pakistan, Philippines, Poland, Union of Soviet Socialist Republics, Ukrainian Soviet Socialist Republic and Venezuela.

4. The drafting group held 12 meetings between 28 February and 8 March 1990. In addition, the group assigned drafting tasks to a further limited group composed of two representatives from each regional group.

5. In the course of its deliberations, the drafting group received a number of views, which were circulated in the form of working papers and which are contained in documents E/CN.4/1990/WG.3/WP.2, E/CN.4/1990/WG.3/WP.4, E/CN.4/1990/WG.3/WP.5, E/CN.4/1990/WG.3/WP.9, and E/CN.4/1990/WG.3/WP.11. In addition draft proposals were submitted by various participants; these are contained in documents E/CN.4/WG.3/WP.3, E/CN.4/1990/WG.3/WP.6, E/CN.4/1990/WG.3/WP.7, E/CN.4/1990/WG.3/WP.8, E/CN.4/1990/WG.3/WP.10, E/CN.4/1990/WG.3/WP.12.

6. Document E/CN.4/1990/WG.3/WP.13 and annex reflect the stage reached by the drafting group as of 8 March 1990.

7. At its last meeting held on 8 March 1990, the drafting group agreed to inform the plenary that it had not yet reached the point of making any recommendations and to transmit its documents to the Commission.

8. Attached is a list of the working papers that the drafting group had before it.

Annex

The working group had before it the following documents:

- | | |
|-----------------------|---|
| E/CN.4/1990/WG.3/WP.1 | Provisional agenda |
| E/CN.4/1990/WG.3/WP.2 | Note by the Secretariat |
| E/CN.4/1990/WG.3/WP.3 | Proposal received from Western European and other States |
| E/CN.4/1990/WG.3/WP.4 | Written statement submitted by Four Directions Council, International Association against Torture, International Movement for Fraternal Union Among Races and Peoples, International Organization for the Elimination of all Forms of Racial Discrimination, Latin American Federation of Associations of Relatives of Disappeared Detainees, and Service, Justice and Peace in Latin America, non-governmental organizations in consultative status (category II) and Grand Council of the Crees, Indian Council of South America, International League for the Rights and Liberation of Peoples and Regional Council of Human Rights in Asia, non-governmental organizations on the Roster |
| E/CN.4/1990/WG.3/WP.5 | Written statement submitted by Women's International Democratic Federation, a non-governmental organization in consultative status (category I), Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Arab Organization for Human Rights, Baha'i International Community, Christian Democratic International, Commission of the Churches on International Affairs of the World Council of Churches, Friends World Committee for Consultation, Human Rights Advocates, International Abolitionist Federation, International Association of Penal Law, International Catholic Child Bureau, International Catholic Migration Commission, International Commission of Health Professionals for Health and Human Rights, International Commission of Jurists, International Council of Jewish Women, International Federation Terres des Hommes, International Fellowship of Reconciliation, International Human Rights Law Group, International Movement ATD Fourth World, Pax Christi International, Prison Fellowship International, Union of Arab Jurists, Women's International League for Peace and Freedom, Women's International Zionist Organization, |

- E/CN.4/1990/WG.3/WP.5
(continued)
- World Association for World Federation, World Federation of Methodist Women and World Movement of Mothers, non-governmental organizations in consultative status (category II) and Defence for Children International, Habitat International Coalition, International Federation of the ACAT - Action of Christians for the Abolition of Torture, Liberation, Minority Rights Group, Survival International Limited, and World Union for Progressive Judaism, non-governmental organizations on the Roster
- E/CN.4/1990/WG.3/WP.6
- Proposal received by the Group of Non-Aligned States
- E/CN.4/1990/WG.3/WP.7
- India: Proposed rationalized agenda for the Commission
- E./CN.4/1990/WG.3/WP.8
- Proposed draft resolution presented by Austria*, Belgium, Canada, Ireland* and the Netherlands*
- E/CN.4/1990/WG.3/WP.9
- Note by the Secretariat
- E/CN.4/1990/WG.3/WP.10
- Proposed draft resolution presented by Non-Aligned States
- E/CN.4/1990/WG.3/WP.11
- Australian delegation's views
- E/CN.4/1990/WG.3/WP.12
- Draft paragraph proposed by Belgium
- E/CN.4/1990/WG.3/WP/13
- Draft resolution proposed by the drafting group on ways and means of making the work of the Commission on Human Rights more effective

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1990/92
9 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF
WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS
SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

CO-ORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN
THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE
PROMOTION AND PROTECTION OF HUMAN RIGHTS

Letter dated 9 March 1990 from the Permanent Mission of the
United States of America to the United Nations Office at Geneva
addressed to the Under-Secretary-General for Human Rights

Please accept the enclosed United States of America statement by
J.K. Blackwell as an official United Nations document. We would appreciate it
if you could circulate it as an official document under item 11 of the
forty-sixth session of the Commission on Human Rights.

(signed)
Armando Valladares
Ambassador

Annex

CONSOLIDATING DEMOCRATIC REVOLUTIONS

1. Just one month ago, Nelson Mandela was still a prisoner of Apartheid in South Africa. It is a measure of the speed with which events around the globe are moving that Mandela's voice, which only four weeks ago echoed off the four walls of a prison cell, now echoes in peaceful assemblies of tens of thousands of South Africans.
2. The unthinkable now seems plausible, almost mundane. A television production team headed by John McLaughlin came to Geneva last week. Among the interviews they conducted here was a joint appearance by Soviet chief arms control negotiator Yuri Nazarkin and U.S. arms control negotiator Ambassador Richard Burt.
3. The two negotiators had virtually confirmed that an agreement reducing strategic nuclear arsenals by thirty per cent and containing extraordinary provisions for verification is likely to be signed by President Bush and General Secretary Gorbachev at the June Summit.
4. One of the producers of the interview told me, with apparent disappointment, that despite this first-ever joint television appearance by the two negotiators, and despite the nature of their announcement, there was relatively little interest by other media in the event. Asked why that might be the case, the producer replied - "With a novelist heading the Czechoslovakian Government, with the Germans uniting, with the Romanians overthrowing Ceausescu, with the Berlin Wall coming down, people here look at an arms reduction agreement between the United States and Soviet Union as natural, commonplace."
5. One should be pleased that the extraordinary is now commonplace.
6. But before too much is taken for granted, it would do us well to consider carefully the fragility of what has been achieved over the past year. We are in a decade of democratic revolution. Sometimes that revolution is peaceful and within a legal framework - as in Nicaragua last month; sometimes it is a tense revolution within a framework of massive civil disobedience as in East Germany and Czechoslovakia; and sometimes it is a violent revolution where freedom must be earned by sacrifice, as in Romania.
7. "Liberty", De Tocqueville said, "is generally established with difficulty in the midst of storms; it is perfected by civil discord; and its benefits cannot be appreciated until it is already old."
8. A glance around the globe at those places where we witness democratic revolutions confirms De Tocqueville's forecast of stormy weather. And this contemporary of the American and French revolutions of the eighteenth century might well serve as our guide for the twenty-first century.
9. The report card on "freedom" shows many new countries in the democratic column. For the quest for freedom is a human instinct which cannot be stamped out by dictatorships of the right or the left. Yet while freedom is an instinct the folk ways of freedom - the democratic process must be learned.

10. Democracy is a fragile flower that seeks to take root everywhere. Our duty is to teach ourselves how to nurture and protect it whatever the environment.

11. The first and immediate challenge is to protect those democratic revolutions which have already taken place. Among the vital characteristics of a successful democracy are:

- Periodic and Free Elections;
- Freedom of Speech and Assembly;
- Fair Rules for Campaigns and Candidates.

12. New democracies must learn the rules of the game. Old democracies must remind themselves of these basic rules.

13. Romania today looks forward to free elections on the twentieth of May. Of all the countries in Eastern Europe to throw off the shackles of totalitarianism, none did so with the sacrifice of Romania.

14. It is known that thousands were killed in clashes between Ceausescu's supporters, the army and the revolutionaries. Yes, revolutionaries. A news producer who returned from Romania in early February after working on a documentary, told me of interviews with eyewitnesses in Timisoara, where the revolution began. Once the shooting started, people picked up broken shards of glass from shattered store windows to fight soldiers armed with pistols and AK-47 rifles.

15. In Bucharest, students rushed to the television broadcasting station, where Ceausescu's security forces - clothed in bulletproof battle gear - were beating Romanian army units who sided with the people. They picked up the rifles of fallen soldiers to fight on.

16. That was two months ago. Today Romania is ruled by an uneasy coalition of opposition parties and a hastily-created National Salvation Front composed principally of communist reformers.

17. When the National Salvation Front, headed by President Ion Iliescu and Prime Minister Petru Roman, announced last month that it would field candidates for the May elections, near-riots broke out, because at the time it held a monopoly on government power.

18. A compromise has now been reached whereby power is shared between the front and the opposition parties in an unequal formula, and there is some pessimism that fair elections in May are possible.

19. The United Nations can help consolidate the victories of democratic revolutions by focusing its attention on those aspects of the Human Rights Charter which address fundamental individual liberties.

20. This requires intensive monitoring of the sweeping political reforms and the potential for corrupting the momentum of revolution, and hijacking the hopes of those who long to live in democratic societies.

21. Lord Acton teaches that "absolute power corrupts absolutely." The American founding fathers intuitively understood this danger and sought to

develop limited forms of government with internal checks and balances. It is to such democratic institutions that we must turn our hopes, and our energies, as the storms are left behind and the period of civil discord begins.

22. Secretary of State Baker travelled to Romania during his visit to Eastern Europe last month to underscore the importance of fair and free elections, and the dismantling of the hated Secret Police - the securitate forces Ceausescu built.

23. Whether it is the STASI in East Germany, or the ZOMO in Poland, the secret forces built up by the totalitarian bureaucratic states of Eastern Europe throughout the long night of the Cold War will not easily disappear.

24. Nor will the temptation to use those forces, overtly or covertly, to sate the lust for power.

25. Make no mistake, either, about the forces now at play.

26. Largely peaceful revolutions have overthrown entrenched Marxist régimes.

27. Many of those who built, maintained, and benefited from these régimes are still at liberty within them. There have been no wholesale purges, no mass arrests, no bloodletting to sap the will of the enemy.

28. Those who ran the Marxist bureaucracies constitute the potential opposition to the democratic societies that are replacing them.

29. Here again Romania is a good example, but one could as easily substitute Nicaragua, or even Poland.

30. Silviu Brucan, who was an opponent of Ceausescu's, but also a Stalinist and Romania's ambassador to the United Nations under the Eisenhower administration, was until recently a member of the National Salvation Front of Romania.

31. When a news producer recently conducted an off-the-record interview with Brucan, he was shown a copy of a paper Brucan had written explaining the collapse of communism. What struck the producer, who had studied Marxism at Oxford, was that Brucan's analysis was completed on entirely Marxist terms. In short, Brucan had not abandoned Marxism at all, even though he acknowledges its momentary collapse.

32. This paper had been prepared after a conference on the same theme in the Soviet Union. Brucan denied the producer a copy of the paper after being sharply questioned about its Marxist mode of analysis.

33. The producer drew the conclusion that Brucan is still a committed communist. Yet, when asked on the record about communism, Brucan says that "it is dead."

34. My point today, is that rumours of the demise of communism are greatly exaggerated.

35. Communism has its sympathizers.

36. We stand at a crossroads where democratic revolutions can be consolidated, so that flourishing democracies emerge. Or we can fail to meet the challenge, and watch as some countries collapse into undemocratic rule.

37. To others falls the task of worrying about economic assistance, trade relationships, and other material matters that will strengthen or weaken the revolutionary democracies.

38. It would be a tragedy if we failed to do all in our power to help those who with bare hands and broken glass fought for their freedoms against bullets and bayonets.
